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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2166 of 2005

Between:

T. Ramachanddra Reddy S/o T. Gurava Reddy
O/o The EE (Water Works), Tirumala, R/o H. No. 19-12-215,
Biragipatteda, Tirupati, Chittoor District

..... PETITIONER

AND

Tirumala Tirupati Devasthanams rep by Executive Officer, Tirupati, Chittoor district

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of Writ of Certiorari after calling for the records pertaining to proceedings Roc. No. E5/24012/2003 dt 3-2-2005 on the file of the Respondent herein and quash the same being illegal, arbitrary, violative of principles of natural justice and also contrary to the judgment of the Hon'ble Supreme Court and pass such other order or orders as may deem fit.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent No.: MR.A.K.JAYAPRAKASH RAO

The Court, at the stage of admission, made the following :

ORAL ORDER

Challenging the proceedings in ROC.No.E/24012/2003, dated 03.02.2005 of the Executive Officer, respondent herein, in directing the Executive Engineer (Water Works) TTDs, Tirumala to relieve the writ petitioner on the afternoon of 28-02-2005 without fail duly withholding all pensionary benefits including G.P.F. Welfare Fund, G.I.S, encashment of Earned Leave etc., the writ petition is filed.

The only grievance of the petitioner is that without giving any opportunity, the impugned order has been passed.

On the other hand, the learned Standing Counsel for the respondent contended that charge sheet had already been issued to the petitioner and that when his date of birth was found to be as 01-03-1947, the impugned order has been passed and, therefore, the order under challenge does not suffer from any legal infirmities so as to call for interference by this Court inasmuch as the date of birth of the petitioner, as noted in the Service Register, was found to be tampered with. Hence, there are no grounds to interfere with the impugned order.

As seen from the impugned proceedings, it was passed without giving any opportunity to the petitioner. The respondent is at liberty to take action in accordance with law if the date of birth of the petitioner in the service register was found to be tampered. There is no difficulty in taking any action in accordance with Rules, but in this case, admittedly the respondent has not given any notice to the petitioner calling for his explanation.

Since no notice was issued to the petitioner before the issuance of the impugned proceedings directing to relieve the petitioner on the afternoon of 28-02-2005, I deem appropriate to direct that the said proceedings be treated as show cause notice issued to the writ petitioner calling for his explanation. Therefore, the

petitioner shall submit his explanation within three (3) days from today and on receipt of such explanation, the respondent shall consider the said explanation and take appropriate decision in accordance with Rules before 28.02.2005.

With the above observation, the writ petition is disposed of. No order as to costs.

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K.C.BHANU,J

21ST FEBRUARY 2005

Note:

Issue

CC by tomorrow

(B/O)

*TSNR

To

1. The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati, Chittoor district.
2. Two C.D.Copies.